



# **SECTION 2:**

## **ZONING**

- Zoning Types and Procedures
- Flow Chart: Rezoning & Conditional Use Permit
- Process Standard Rezoning Application
- Conditional Use Permit (CUP) Application
- Conditional Use Permit (CUP) Telecommunication Towers & Antennas Application



# ZONING TYPES AND PROCEDURES

The City of Sugar Land regulates land use through zoning, which was adopted soon after the City's incorporation in 1959. Current zoning regulations are included as Chapter 2 of the City's Development Code which was adopted in 1997 and has been amended from time to time since then. A copy of the City's Development Code is available on the City's website at [www.sugarlandtx.gov](http://www.sugarlandtx.gov).

## **Zoning**

Zoning is the division of a community into districts, or zones, with different regulations for different districts. Within each district, local governments typically regulate the use of land or buildings, the intensity of that use (regulated by lot size, height limits, and, in some cases, direct regulation of intensity through floor-area ratios or limits on the number of dwelling units per area), and height and bulk, or extent, of that use (regulated both directly and indirectly, through requirements that portions of the lot be maintained for yards or setbacks).<sup>1</sup> The City is divided into thirteen (13) standard districts and multiple customized planned development (PD) districts.

## **Official Zoning Map**

The location and boundaries of the various zoning districts are shown on the official zoning map. The Planning Department is responsible for custody and maintenance of the map, in coordination with the GIS Office. The provisions of an ordinance establishing a district, amending a district classification, amending a district boundary, or granting a conditional use permit (CUP), controls over any conflicting information shown on the official zoning map. Sugar Land's zoning map is available online at [www.sugarlandtx.gov/sugarland/gis/index.asp](http://www.sugarlandtx.gov/sugarland/gis/index.asp).

## **Land Use Matrix**

The Land Use Matrix defines which uses are permitted in each zoning district. The Land Use Matrix is based on business activities as contained in the 1987 Standard Industrial Classification (SIC) Manual. Some land uses included in the Land Use Matrix are not found in the SIC Manual, and are, where necessary, defined by the Development Code. Land and structures in each zoning district may only be used for the listed uses specified as a permitted use in that district as shown in the Land Use Matrix. Land and structures in each zoning district may not be used for a use that is shown as a prohibited use in that district in the Land Use Matrix. Wherever the Land Use Matrix shows that a use is allowed in a district with a conditional use permit, land and structures in that district may not be devoted to that use unless a conditional use permit for the use has been granted by City Council. A copy of the entire Land Use Matrix or a copy of the portion applicable in the commercial zoning districts is available online at [www.sugarlandtx.gov](http://www.sugarlandtx.gov) under the Planning homepage.

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<sup>1</sup> Eric Damian Kelly and Barbara Becker, *Community Planning: An Introduction to the Comprehensive Plan* (Washington, D.C.: Island Press, 2000), 203.

### **Rezoning**

A rezone involves a change from one official zoning district to another. When a property within the city limits of Sugar Land is rezoned, an ordinance is passed by City Council effecting a change in zoning designation for that property. The Official Zoning District Map is also updated to reflect the zoning change. A recommendation to the Council is given by the Planning and Zoning Commission (P&Z). Council has the authority to approve or deny rezonings. A property owner or the City can initiate rezoning a piece of property. A planned development district (PD) is a type of zoning category with custom regulations. Additional details on planned development district rezonings are contained in Section 3 of this Handbook.

### **Conditional Use Permit (CUP)**

A conditional use permit (CUP) is a zoning permit that is granted to operate a certain type of business in a specific zoning district. The Land Use Matrix identifies which uses require a CUP in each zoning district. A recommendation to the Council is given by the Planning and Zoning Commission; Council has the authority to approve or deny conditional use permits. A CUP must be approved by City Council before a use requiring a CUP can legally operate at the proposed location. The following are the conditional use permit standards required for approval:

1. Conditional uses are not permitted by right, but shall be considered on a case by case basis for the proposed lot(s) or parcel(s). Application approvals are subject to the discretion of the Council.
2. No application will be approved unless the applicant establishes that the use is appropriate at the proposed location by showing the following:
  - a) The proposed use shall be in harmony with the purpose, goals, objectives and standards of the City of Sugar Land's Comprehensive Plan and Future Land Use Plan;
  - b) The proposed use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and
  - c) The proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden

### **Rezoning and Conditional Use Permit Process**

When a rezoning or conditional use permit application is submitted, Staff will review the request and send comments to the applicant on the third Friday after the request has been submitted. However, due to the detail contained in conditional use permit applications, additional review time may be needed. The applicant may be directed to resubmit the corrected materials and additional materials for the Planning and Zoning Commission and City Council, and staff will review them for clearance.

When staff comments have been addressed, the request will be scheduled for a public hearing at a Planning and Zoning Commission meeting. The public hearing typically takes place approximately one month after staff issues have been addressed. The public hearing will be

advertised by the City in the official newspaper of the City at least 15 days prior to the first public hearing. All property owners within 200 feet of the site and homeowner's associations within the notification area will be notified by mail, and the public hearing will be published on the City's website. Additionally, a courtesy sign will be placed at the property.

A public hearing will be held by the Planning and Zoning Commission at 6:30 p.m. in the City Council Chambers, unless otherwise noted. P&Z meetings are held on the second Tuesday and fourth Thursday of each month except for November and December, when there is one Tuesday meeting due to the holidays. The purpose of the public hearing is to allow P&Z to conduct a fact finding process. Staff will present the request to the Commission. The Chair will then open the public hearing, and the applicant will have ten minutes to present the request. The Chair will then allow anyone present from the public to speak on the request. The Commission may ask questions to staff and anyone else present at the meeting, but will not vote the same night per the Commission's adopted policies.

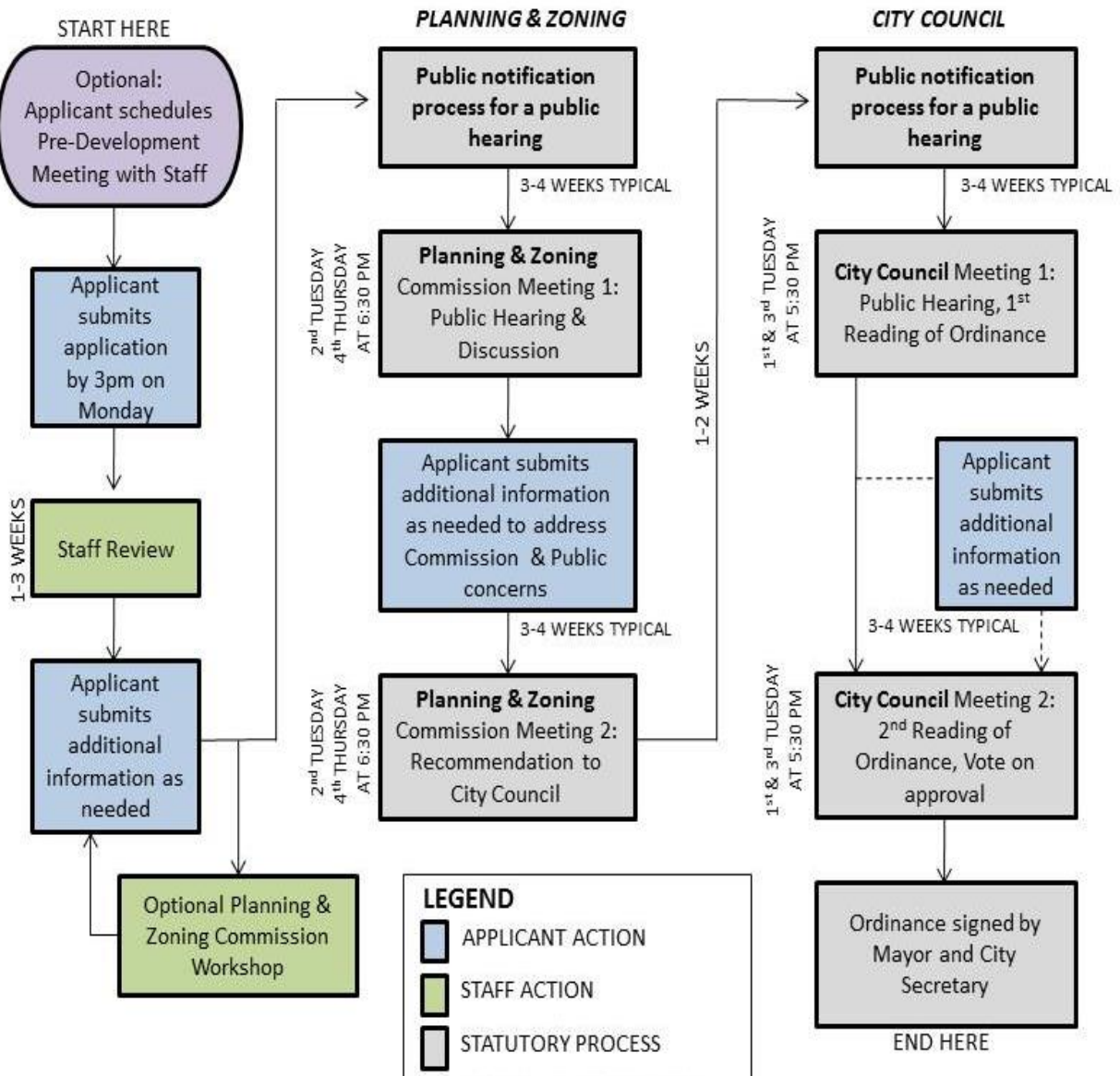
At a subsequent P&Z meeting the request will be presented by staff with a recommendation. P&Z will hold consideration and action and make a recommendation to City Council. Only staff will present at this meeting; however, the Commission may direct questions to both staff and the applicant.

A second public hearing will be scheduled for a regular City Council meeting once the item is ready for Council review. The public hearing typically takes place approximately one month after P&Z makes a recommendation. Meetings are held on the first and third Tuesdays of each month. Again, in accordance with state regulations, property owners will be notified and the notice will be published in a City paper and on the City's website. Council will conduct a public hearing in the same manner as P&Z. At the same meeting, Council will have the first reading of the ordinance and vote, unless the item is tabled. If the ordinance was approved at the first reading, at a subsequent meeting the Council will hear the second reading of the ordinance and vote again. Following the second reading of the ordinance, the Mayor and City Secretary will sign the ordinance and a copy will be sent to the applicant.



# FLOW CHART: REZONING & CONDITIONAL USE PERMIT PROCESS

## REVIEW AND APPROVAL PROCESS





## STANDARD REZONING APPLICATION

**FOR OFFICE USE**

(Rev. 01/02/19)

Accounting Code: ZC

2019 Fee: \$1,157.00

Fee Required \_\_\_\_\_

Case No. \_\_\_\_\_ - \_\_\_\_\_

**Return Your Submittal Monday from 8:00 am -3:00 pm To Development Planning (Attn: Development Review Coordinator)  
Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Phone#: (281) 275-2218**

**Please contact Development Planning staff to discuss your proposal prior to submitting a Standard Rezoning application.**

### **Standard Rezoning Submittal Requirements:**

*Applications submitted without the following items will not be routed for review*

*All materials must be submitted only digitally via USB or CD*

- Completed application (digitally and paper version)
- Submittal Fee
- Legal description of property:
  - ☐ Metes & bounds description if property is not platted OR
  - ☐ Plat information:

Plat Name: \_\_\_\_\_

Lot & Block or Reserve: \_\_\_\_\_

FBCOPR No.: \_\_\_\_\_

- Letter stating the applicant's request
- Traffic Impact Analysis (Contact Engineering Dept. at 281-275-2870 to determine necessity)

**\*ALL FIELDS MUST BE COMPLETED. \***

**PROJECT NAME** \_\_\_\_\_

Legal/ Location Description \_\_\_\_\_

Property Acreage \_\_\_\_\_ Current Zoning District \_\_\_\_\_

For Rezoning, Proposed Zoning District \_\_\_\_\_

### **CONTACT INFORMATION**

**Project Representative:**

**Contact Person** \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

***This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning Department has not received a revised submittal.***

X \_\_\_\_\_  
Project Representative's Signature Date

**Property Owner (Please Note – the current Property Owner’s Information Must be provided):**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Property Owner’s Authorization (May be submitted under separate cover on company letterhead):**

*I am the owner of the property for which this application is being made. I authorize  
\_\_\_\_\_ (Project Representative) to submit this application  
and to correspond with the City of Sugar Land regarding this application on my behalf.*

X \_\_\_\_\_  
Property Owner’s Signature (Required) Date

Please note: a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing.



## CONDITIONAL USE PERMIT (CUP) APPLICATION

**FOR OFFICE USE**

(Rev. 01/02/19)

Accounting Code: ZC

2019 Fee: \$1,722.50

Fee Required \_\_\_\_\_

Case No. \_\_\_\_\_ - \_\_\_\_\_

**Return Your Submittal Monday from 8:00 am -3:00 pm To Development Planning (Attn: Development Review Coordinator)  
Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Phone#: (281) 275-2218**

**Please contact Development Planning staff to discuss your proposal prior to submitting a Conditional Use Permit application.  
Conditional Use Permit Submittal Requirements:**

*All materials must be submitted only digitally via USB or CD with the following items:*

- Copy of the completed application (digitally and paper version)
- Submittal Fee
- Legal description of property:
  - ☐ Metes & bounds description if property is not platted OR
  - ☐ Plat information:  
Plat Name: \_\_\_\_\_  
Lot & Block or Reserve: \_\_\_\_\_  
FBCOPR No.: \_\_\_\_\_
- Letter stating the applicant's request and addressing issues relating to a CUP including plan of operation, traffic circulation, parking, and other pertinent information
- Copy of CUP layout plan and other pertinent information (to be determined during meeting with Development Planning staff)
- Copy of all CUP application materials
- Copy of a Traffic Impact Analysis (Contact Engineering Dept. at 281-275-2870 to determine necessity)

**\*ALL FIELDS MUST BE COMPLETED.\***

**PROJECT NAME** \_\_\_\_\_

**Legal/ Location Description** \_\_\_\_\_

**Property Acreage** \_\_\_\_\_ **Current Zoning District** \_\_\_\_\_

**For CUP, Proposed Use** \_\_\_\_\_

### CONTACT INFORMATION

#### Project Representative:

**Contact Person** \_\_\_\_\_

**Company** \_\_\_\_\_

**Address** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Email** \_\_\_\_\_

***This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning Department has not received a revised submittal.***

X \_\_\_\_\_  
Project Representative's Signature \_\_\_\_\_ Date \_\_\_\_\_



**Property Owner (Please Note – the current Property Owner’s Information Must be provided):**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Property Owner’s Authorization (May be submitted under separate cover on company letterhead):**

***I am the owner of the property for which this application is being made. I authorize***

***(Project Representative) to submit this application***

***and to correspond with the City of Sugar Land regarding this application on my behalf.***

X \_\_\_\_\_  
Property Owner’s Signature (Required) \_\_\_\_\_ Date \_\_\_\_\_

Please note: a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing.



**CONDITIONAL USE PERMIT  
(CUP) TELECOMMUNICATION  
TOWERS & ANTENNAS  
APPLICATION**

**FOR OFFICE USE**  
**(Rev. 01/02/19)**  
**Accounting Code: ZC**  
**2019 Fee: \$1,722.50**

**Fee Required** \_\_\_\_\_

**Case No.** \_\_\_\_\_ - \_\_\_\_\_

**Return Your Submittal To Development Planning (Attn: Development Review Coordinator)**  
**Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Phone#: (281) 275-2218**

**Please contact Development Planning staff to discuss your proposal prior to submitting a Conditional Use Permit application.**

**Conditional Use Permit Submittal Requirements:**

*All materials must be submitted only digitally via USB or CD with the following items:*

- Copy of the completed application (digitally and paper version)
- Submittal Fee
- Copy of all CUP Telecommunication Towers & Antennas application materials
- Legal description of property:
  - ☐ Metes & bounds description if property is not platted OR
  - ☐ Plat information:

Plat Name: \_\_\_\_\_

Lot & Block or Reserve: \_\_\_\_\_

FBCOPR No.: \_\_\_\_\_

- Copy of the CUP layout plan including a vicinity map and north arrow (Sec. 2-234 (b))
- Copy of letter stating the applicant's request and addressing issues relating to a Cell Tower CUP, including Chapter 2, Article VII, Sec. 2-234 (tower inventory and co-location and lease opportunities)
- Note- Additional information may be requested by staff for evaluation and determination of the application and potential impact of a proposed Tower

**\*ALL FIELDS MUST BE COMPLETED.\***

**PROJECT NAME OR ADDRESS** \_\_\_\_\_

**Legal/ Location Description** \_\_\_\_\_

**Current Zoning District (Must be B-2, M-1, or M-2 to apply for a CUP)** \_\_\_\_\_

**Proposed Use and Tower Height** \_\_\_\_\_

**CONTACT INFORMATION**

**Project Representative:**

**Contact Person** \_\_\_\_\_

**Company** \_\_\_\_\_

**Address** \_\_\_\_\_

**Phone** \_\_\_\_\_ **Email** \_\_\_\_\_

***This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning Department has not received a revised submittal.***

**X** \_\_\_\_\_

**Project Representative's Signature**

**Date**

**Property Owner (Please Note – the current Property Owner’s Information Must be provided):**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**Property Owner’s Authorization (May be submitted under separate cover on company letterhead):**

***I am the owner of the property for which this application is being made. I authorize***

***(Project Representative) to submit this application***

***and to correspond with the City of Sugar Land regarding this application on my behalf.***

X \_\_\_\_\_

Property Owner’s Signature (Required)

\_\_\_\_\_ Date

Please note: a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing.